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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

EPIC GAMES, INC.,

Plaintiffs,

v.

APPLE INC.,

Defendant.

CASE NO. 20-CV-05640-YGR

**NOTICE OF WITHDRAWAL OF TRIAL  
EXHIBIT**

The Honorable Yvonne Gonzalez Rogers

1 PLEASE TAKE NOTICE that following his trial testimony on May 13, 2021, Professor Hitt  
2 re-reviewed his written testimony and back-up materials and determined that the data presented in  
3 Figure 3 of his Written Direct Testimony (Ex. Expert 6) were not adequately supported. Specifically,  
4 Professor Hitt determined that Figure 3 and accompanying text erroneously represented that certain  
5 identical games were made available by identical developers on both iOS and PC. Figure 3 has  
6 therefore been removed from Professor Hitt's written testimony and the associated text stricken or  
7 amended. Apple hereby withdraws the corresponding trial exhibit (DX-4775), which was entered  
8 into evidence pursuant to stipulation on May 12, 2021. (Dkt. 635, 643.) No other part of Professor  
9 Hitt's Written Direct Testimony, or the exhibits previously admitted, is affected by this change.

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12 DATED: May 18, 2021

GIBSON, DUNN & CRUTCHER LLP

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14 By: /s/ Richard J. Doren  
Richard J. Doren

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16 *Attorney for Defendant Apple Inc.*  
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